

IN THE CLAIMS

The following listing of claims will replace all prior versions, listings, and claims in this application.

Claims 1-41 (Cancelled).

42. (Currently Amended) A purified nucleic acid comprising:

(a) SEQ ID NO:3; or

(b) a sequence from a Clostridium strain hybridizing ~~with the all of the~~ over the ~~over the full length of the~~ complementary strand of SEQ ID NO:3 under stringent conditions, which comprise hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's ~~washing at 65°C in 0.1 X SSC and 0.1 %SDS;~~

wherein said purified nucleic acid has a transcriptional promoter activity.

43. (Previously Presented) The purified nucleic acid according to claim 42, which comprises SEQ ID NO:3.

44. (Previously Presented) The purified nucleic acid according to claim 42, which is a *Clostridium perfringens* beta 2 toxin promoter.

45. (Previously Presented) An expression cassette comprising, in the 5' to 3' direction, the purified nucleic acid according to claim 42 and a transgene to be expressed.

46. (Previously Presented) The expression cassette according to claim 45, wherein said expression cassette further comprises a transcriptional terminator at a 3' end of said transgene.

47. (Previously Presented) The expression cassette according to claim 45, wherein said expression cassette further comprises a secretion signal located between said purified nucleic acid and said transgene.

48. (Previously Presented) The expression cassette according to claim 45, wherein said transgene codes for a toxin, a fragment thereof, or a variant thereof.

49. (Previously Presented) The expression cassette according to claim 48, wherein said toxin is a pathogenic bacterium toxin.

50. (Previously Presented) A vector comprising the purified nucleic acid according to claim 42.

51. (Previously Presented) The vector according to claim 50, wherein said vector is functional in a bacterium.

52. (Previously Presented) The vector according to claim 51, wherein said bacterium is a *Clostridium* bacterium.

53. (Previously Presented) The vector according to claim 51, wherein said bacterium is *Clostridium perfringens*.

54. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to claim 42.

55. (Previously Presented) The recombinant cell according to claim 54, wherein said recombinant cell is a prokaryotic cell.

56. (Previously Presented) A method for producing a polypeptide, comprising:

- (a) introducing a transgene coding for said polypeptide into a cell, wherein said transgene is under the control of the purified nucleic acid according to claim 42;
- (b) expressing said transgene; and
- (c) recovering said polypeptide.

57. (Previously Presented) A method for producing a polypeptide, comprising:

- (a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 54, wherein said transgene is placed under the control of said purified nucleic acid;
- (b) culturing said recombinant cell to express said transgene; and
- (c) recovering said polypeptide.

58. (Previously Presented) The method according to claim 56, wherein said cell is a *Clostridium* bacterium.

59. (Previously Presented) The method according to claim 56, wherein said polypeptide is a toxin, a toxoid, or a fragment thereof.

60. (Currently Amended) A purified nucleic acid comprising

a) SEQ ID NO:4 or

b) a sequence from a Clostridium strain which hybridizes under stringent conditions to SEQ ID NO:4, wherein the stringent conditions comprise ~~washing at 65°C in 0.1 X SSC and 0.1 % SDS~~ hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's and which encodes a peptide comprising a hydrophobic region bordered by charged amino acids that functions as a secretion signal peptide.

61. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:

- (a) introducing the expression cassette according to claim 45 into a cell, wherein said transgene is placed under the control of said purified nucleic acid;
- (b) expressing said transgene; and
- (c) recovering said polypeptide.

62. (Previously Presented) The vector according to claim 50, which further comprises a transgene operably linked to said purified nucleic acid.

63. (Previously Presented) A recombinant cell comprising the expression cassette according to claim 45.

64. (Previously Presented) A recombinant cell comprising the vector according to claim 50.

65. (Previously Presented) A recombinant cell comprising the vector according to claim 62.

66. (Previously Presented) The recombinant cell according to claim 54, wherein said recombinant cell is a bacterium.

67. (Previously Presented) The recombinant cell according to claim 63, wherein said recombinant cell is a bacterium.

68. (Previously Presented) The recombinant cell according to claim 64, wherein said recombinant cell is a bacterium.

69. (Previously Presented) The recombinant cell according to claim 65, wherein said recombinant cell is a bacterium.

70. (Previously Presented) The method according to claim 57, wherein said recombinant cell is a *Clostridium* bacterium.

71. (Previously Presented) A method for producing a polypeptide, comprising:  
(a) culturing the recombinant cell according to claim 63 to express said transgene in said expression cassette; and  
(b) recovering said polypeptide.

72. (Previously Presented) A method for producing a polypeptide, comprising:

(a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 64, wherein said transgene is placed under the control of said purified nucleic acid in said vector;

(b) culturing said recombinant cell to express said transgene; and

(c) recovering said polypeptide.

73. (Previously Presented) A method for producing a polypeptide, wherein said method comprises:

(a) culturing the recombinant cell according to claim 65 to express said transgene in said vector; and

(b) recovering said polypeptide.

Claims 74-79 (Cancelled).

80. (Previously Presented) The purified nucleic acid according to Claim 60, which comprises SEQ ID NO:4.

81. (Currently Amended) The purified nucleic acid according to Claim 60, which comprises a sequence which hybridizes under stringent conditions to SEQ ID NO:4, wherein the stringent conditions comprise ~~washing at 65°C in 0.1 X SSC and 0.1 %SDS~~ hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's and which encodes a peptide that functions as a secretion signal peptide.

82. (Previously Presented) A vector comprising the purified nucleic acid according to Claim 80.

83. (Previously Presented) A vector comprising the purified nucleic acid according to Claim 81.

84. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to Claim 80.

85. (Previously Presented) A recombinant cell comprising the purified nucleic acid according to Claim 81.

86. (Previously Presented) An expression cassette comprising a transgene to be expressed operably linked to the purified nucleic acid according to Claim 80.

87. (Previously Presented) An expression cassette comprising a transgene to be expressed operably linked to the purified nucleic acid according to Claim 81.

88. (Previously Presented) A recombinant cell comprising the expression cassette according to Claim 86.

89. (Previously Presented) A recombinant cell comprising the expression cassette according to Claim 87.

90. (Previously Presented) A method of producing a polypeptide, comprising introducing the expression cassette of Claim 86 into a cell, culturing the cell to express the transgene; and

recovering the polypeptide.

91. (Previously Presented) A method of producing a polypeptide, comprising  
introducing the expression cassette of Claim 87 into a cell,  
culturing the cell to express the transgene; and  
recovering the polypeptide.

Claims 92-93 (Cancelled).

94. (New) The purified nucleic acid according to Claim 60, which comprises a  
sequence from a Clostridium strain which hybridizes over the full length of the  
complementary strand of SEQ ID NO:4 under stringent conditions which comprise  
hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x Denhardt's and which encodes a  
peptide comprising a hydrophobic region bordered by charged amino acids that functions as a  
secretion signal peptide.

95. (New) The purified nucleic acid according to Claim 60, which comprises a  
sequence from a Clostridium strain which hybridizes to SEQ ID NO:4 under stringent  
conditions which comprise hybridizing at 42°C in 50 % formamide at 5 X SSC and 1 x  
Denhardt's and which encodes a 30 amino acid peptide comprising a hydrophobic region  
bordered by charged amino acids that functions as a secretion signal peptide.